



## THE STATE OF NEVADA

**PERMIT TO CHANGE POINT OF DIVERSION,  
MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA  
HERETOFORE APPROPRIATED**

Name of applicant: UNITED STATES AS TRUSTEE FOR THE PYRAMID LAKE  
PAIUTE TRIBE OF INDIANS, ACTING THROUGH THE BUREAU  
OF INDIAN AFFAIRS AND THE PYRAMID LAKE PAIUTE TRIBE  
OF INDIANS

Source: TRUCKEE RIVER

Basin: TRACY SEGMENT

Manner of Use: WILDLIFE

Period of Use: January 1st to December 31st

Priority Date: 12/08/1859

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**APPROVAL OF STATE ENGINEER**

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit, to change the place and manner of use of the waters of the Truckee River as heretofore granted under Claim 2, Truckee River Decree, is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued subject to the continuing jurisdiction and regulation of the Orr Ditch Decree Court and the Federal Water Master.

This temporary permit expires one year from the date of issue and shall be exercised as described in either proposed Alternative 3 or 4 as set forth in the Environmental Assessment by the U.S. Department of the Interior dated June 2, 2002, that is the water will be taken in equal amounts over a certain number of months.

The amount of water described under Alternatives 3 and 4 will be delivered at a continuous diversion rate for the percentages described in each month set forth in each alternative.

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 48.0 cubic feet per second or 11254.5 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

N/A

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of June, A.D. 2008

\_\_\_\_\_  
State Engineer

TEMPORARY  
TEMPORARY

Application No. 77018T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS  
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>MAY 08 2008</u>
Returned to applicant for correction	_____
Corrected application filed	Map filed <u>FEB 02 2001</u> under <u>67182</u>

The applicant See Attachment A

P.O. Box 256

Street Address or P.O. Box

of Nixon

City or Town

Nevada 89424

State and Zip Code

hereby make(s) application for permission to change the

☐ Point of diversion

☒ Place of use

☒ Manner of use

☐ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 2; in the Federal District Court of Nevada.

1. The source of water is Truckee River

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 11,254.5 acre-feet (2,745 acres @ 4.1 acre-feet per acre).

Second feet, acre-feet One second foot equals 448.83 gallons per minute.

3. The water to be used for Wildlife, including instream flows for fish (cut-throat and Lahontan cutthroat trout).

Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.

4. The water heretofore used for As decreed.

If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

As decreed, N1/2 SW1/4, Section 19, T20N, R23E, M.D.B.&M.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

83-WA

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Truckee River downstream of Derby Dam to the Pyramid Lake inlet as shown on the map accompanying Application No. 67182.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

As decreed on Pyramid Lake Indian Reservation bench lands.

9. Proposed use will be from As decreed to As decreed of each year.  
Month and Day Month and Day

10. Existing use permitted from As decreed to As decreed of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

No new diversion works will be constructed.

12. Estimated cost of works N/A

13. Estimated time required to construct works N/A

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use As soon as approved.

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):  
(Failure to provide a detailed description may cause a delay in processing.)

There will be no diversion. The water is to remain in the Truckee River from Derby Dam to Pyramid Lake. The water duty and maximum rate of diversion indicated in the application and its attachments are based on the conditions specified by the State Engineer in Permit No. 71976-T. See Attachment B.

16. Miscellaneous remarks:

This is an application for TEMPORARY change (2 years).

*see email of 5/30/08  
JH*

(702) 366-1900

Phone No.

E-mail

By Don Springmeyer Esq. (agent)

Print or type name clearly

Signature of Applicant or Agent

Robert C. Maddox & Associates

Company Name

3811 W. Charleston Blvd., Suite 110

Street Address or P.O. Box

Las Vegas, Nevada 89102

City, State, Zip Code

**APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT**

**\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION**

## Attachment A

The applicants are:

- 1) **The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs.**

Allen Anspach, Western Regional Director  
Bureau of Indian Affairs  
400 N. 5<sup>th</sup> Street, 14<sup>th</sup> Floor  
Phoenix, Arizona 85001                      Phone: (602) 379-6600

and

- 2) **The Pyramid Lake Paiute Tribe of Indians.**

John Jackson, Director of Water Resources  
Pyramid Lake Paiute Tribe of Indians  
P.O. Box 256  
Nixon, Nevada 89424                      Phone: (775) 574-1050

## Attachment B

This application is filed pursuant to the attached Order dated February 28, 1984, in the case of United States v. Orr Water Ditch Co., Equity No. A-3, in the United States District Court for the District of Nevada and in the interest of comity among the United States, the Pyramid Lake Paiute Tribe of Indians and the State of Nevada. The applicants specifically reserve all of their rights, interests and authorities pertaining to this matter including, without limitation, all rights and authorities asserted in arguments previously made to the Orr Ditch Court in connection with the above referenced February 28, 1984 Order and the rights to contest the jurisdiction of the Nevada State Engineer and to seek de novo review in the Orr Ditch Court of any orders, decisions, rulings or other actions of the Nevada State Engineer.

The water to be transferred will be used during the irrigation season, through November 15, subject to the condition that no more than 25 percent of the total water right amount will be used in any month. In addition, no more than 50.33 cfs will be used at any time.

This application is for a temporary change pursuant to NRS 533.345, as amended.

The right sought under this temporary change application voluntarily will be exercised in conjunction with other Tribal water rights used for wildlife purposes so as to avoid limitations on diversions of Truckee Meadows water rights pursuant to Article VII (B) of the Truckee River Agreement.